

## Remarks

The specification has been amended to obviate typographical, and erroneously-placed reference characters which did not match elements in the drawing. It is submitted that new matter has not been introduced into the appl'n.

Allowable claims 1, 2, 9 - 12 were amended to the extent of reciting - - standard means - - rather than "standard" throughout its language to provide for a reasonable scope of protection warranted by the invention. Allowable claim 16 was corrected due to the typographical erroneous spelling of - - shiftable - -.

As to the rejections of claims 13 – 15 under the authority of **35 USC 112, 2<sup>nd</sup> parag. [O.A., Page 2, item 4]:**

a) in claim 13: "its one", line 4, has been replaced by - - at a first end - - . To retain definiteness, in line 25, "its other" has been replaced by - - a second - - , so that each of the ends of the recited "arm" in the claim is distinctly recited from one another.

b) in claim 14: "its" is no longer recited in the amended claim, and the claim's sentence structure, it is submitted is now definite.

c) although no specific language in claim 15 has been indicated in this rejection, as it depends on claim 14, unless otherwise informed, the noted correction of claim 14 is the basis for the rejection of this claim which now is definite as is claim 14. It may be noted that the term "shaftable" in original claim 14 has been changed to - - shiftable - - , clearly a typographical error

As to the rejection of claims 13 – 15 being anticipated by the teaching of **Roth** # 5,358,266, under the authority of **35 USC 102(b)**.

Amended claim 13 calls for a pivotal arm (232), FIG. 3, pivotally mounted about standard means for a frame (214), it being a first-class lever, such as the **Roth** (46), however, the claim also calls for a second-class lever (204) which is not taught

by **Roth '266**. Applicant's second-class lever is actuated by actuation of the pivotal arm to seat bearing (215) on the (217).

It is submitted that the characterization of the **Roth'266** bracket (41) as a platform is erroneous. His bracket secured to his frame (14) supports pivotal brake support (42) on a pin (43). His pins (43) and (48) and brake device (42) remain in physical attachment to bracket 41 and do not separate themselves from bracket 41 as is done by applicant's bearing (215) which is not attached to his frame (41). And it is important to note also that **Roth'266** does not raise or lower his wheelchair (45) in the operation of his braking and releasing arrangement to brake device (42).

Wherefore, it is submitted that the application is now in condition for Allowability and Allowance, passage to which is earnestly solicited.

Respectfully,

  
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